

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
JAN 22 2009

CLERK

BARBARA L. DEWALD,

*

CIV. 07-3036-CBK

*

Plaintiff,

-vs-

MICHAEL J. ASTRUE, Commissioner
of Social Security,

*

Defendant.

*

REPORT AND RECOMMENDATIONS
FOR DISPOSITION OF MOTION FOR
AWARD OF ATTORNEY'S FEES AND COSTS

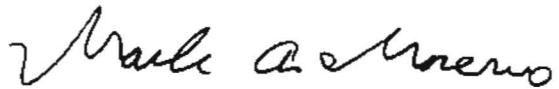
Plaintiff, Barbara L. Dewald, by and through her attorney, Steven R. Pfeiffer, filed a motion seeking an award of attorney's fees and costs pursuant to the Equal Access to Justice Act (EAJA), 18 U.S.C. §2412(d), and a memorandum in support thereof, Docket Nos. 22, 23. Defendant, Michael J. Astrue, has filed a response to Plaintiff's motion, resisting the same, Docket No. 26. The District Court¹ referred the motion to this Court pursuant to 28 U.S.C. §636(b)(3), Docket No. 27. Thereafter, the parties filed a joint stipulation agreeing to an award of \$7,500 in attorney's fees, plus sales tax thereon. The Court has reviewed the joint stipulation and believes that based on the circumstances, the award agreed upon is just and reasonable under the circumstances. Accordingly, the Court hereby

RECOMMENDS that the parties' joint stipulation be adopted and that the sum of \$7,500 in attorney's fees, plus applicable sales tax, be paid directly to Mr. Pfeiffer.

¹The Honorable Charles B. Kormann, United States District Judge, presiding.

Dated this 22nd day of January, 2009, at Pierre, South Dakota.

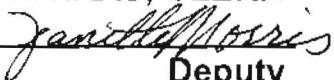
BY THE COURT:



MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE

ATTEST:

JOSEPH HAAS, CLERK

BY: 
Deputy

(SEAL)

NOTICE

Failure to file written objections to the within and foregoing Report and Recommendation within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. §636(b)(1).